

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALIANZA AMERICA, YANET DOE, PABLO
DOE, and JESUS DOE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

RONALD D. DESANTIS, Governor of
Florida, in his personal capacity; LAWRENCE
A. KEEFE, Florida Public Safety Czar, in his
personal capacity; JAMES UTHMEIER, Chief
of Staff to Florida Governor, in his personal
capacity; JAMES MONTGOMERIE; PERLA
HUERTA; and VERTOL SYSTEMS
COMPANY, INC.,

Defendants.

Leave to file excess pages granted on
September 5, 2024, ECF No. 143

Civil Action No.
1:22-cv-11550-ADB

**DEFENDANTS VERTOL SYSTEMS COMPANY, INC.'S AND JAMES
MONTGOMERIE'S MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

Pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying memorandum of law, Defendants Vertol Systems Company, Inc., and James Montgomerie hereby move to dismiss the Plaintiffs' Second Amended Class Action Complaint.

Respectfully submitted,

Dated: September 9, 2024

/s/ Brian T. Kelly

Brian T. Kelly (BBO No. 549566)
Ross MacPherson (BBO No. 705598)
NIXON PEABODY LLP
Exchange Place
53 State Street
Boston, Massachusetts 02109-2835
Tel: (617) 345-1000
Fax: (855) 714-9513
bkelly@nixonpeabody.com
rmacpherson@nixonpeabody.com

Christopher M. Mason (admitted *pro hac vice*)
NIXON PEABODY LLP
Tower 46
55 West 46th Street
New York, New York 10036
Tel: (212) 940-3000
cmason@nixonpeabody.com

*Counsel for Defendants James Montgomerie
and Vertol Systems Company, Inc.*

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that counsel for Defendants James Montgomerie and Vertol Systems Company, Inc., conferred with counsel for Plaintiffs in an attempt to resolve or narrow the issues raised by this motion.

/s/ Ross MacPherson

Ross MacPherson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on September 9, 2024, and thereby delivered by electronic means to all registered participants as identified on the Notice of Electronic Filing.

/s/ Ross MacPherson

Ross MacPherson